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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,983	03/14/2002	Florence L'Alloret	220759USOPCT	4740
22850	7590	05/19/2004		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER EGWIM, KELECHI CHIDI	
			ART UNIT	PAPER NUMBER
			1713	

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,983

Applicant(s)

L'ALLORET, FLORENCE

Examiner

Dr. Kelechi C. Egwim

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/25/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-49 and 104-148 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) See Continuation Sheet are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 47-49, 106-109, 111, 112, 114, 115, 117, 118, 120, 121, 123, 127-130, 132, 133, 137-142 and 145-148.

Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 44-46, 104, 105, 110, 113, 116, 119, 122, 124-126, 131, 134-136, 143 and 144.

DETAILED ACTION

Election/Restrictions

1. Due to the amendments to the most recent claims, the claims 47-49 no longer correspond to the elected Group I, but now correspond to the nonelected groups II and III.
2. Newly submitted claims 106-109, 111, 112, 114, 115, 117, 118, 120, 121, 123, 127-130, 132, 133, 137-142 and 145-148 are directed to one of the nonelected groups II-IV. Accordingly, claims 106-109, 111, 112, 114, 115, 117, 118, 120, 121, 123, 127-130, 132, 133, 137-142 and 145-148 are finally withdrawn from consideration as being directed to non-elected inventions previously finally withdrawn. See 37 CFR 1.142(b) and MPEP § 821.03.
3. Currently, claims 44-46, 104, 105, 110, 113, 116, 119, 122, 124-126, 131, 134-136, 143 and 144 correspond to the elected group I, drawn to a method of lowering the tension of water using of a polymer comprising water-soluble units and units with a low critical solution temperature (LCST).
4. This application contains claims directed to more than one species of three separate genii of the generic invention. These species of the genii are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species of the first genii, form of the polymer, are as follows:

- a. Wherein the polymer is in the form of a block polymer comprising water-soluble units alternating with units with an LCST, or in the form of a grafted polymer whose backbone is formed from water-soluble units and which bears grafts consisting of units with an LCST or a grafted polymer whose backbone is formed from units with an LCST and which bears grafts consisting of water-soluble units.
- b. wherein the polymer is partially crosslinked.

The species of the second genii, water-soluble units, are as follows:

- c. wherein the water-soluble units are obtained by free-radical polymerization of at least one monomer selected from the group recited in claim 110.
- d. wherein the water-soluble units are obtained by free-radical polymerization of at least one monomer selected from the group recited in claim 113.

The species of the third genii, units with an LCST, are as follows:

- e. wherein the units with an LCST consist of polypropylene oxides of formula $(\text{PPO})_n$ or random copolymers of ethylene oxide (EO) and of propylene oxide (PO).
- f. wherein the units with an LCST are as defined in claim 131.

Art Unit: 1713

Applicant is required, in reply to this action, to elect a single species from all three genii to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

5. The claims are deemed to correspond to the species listed above in the following manner:

- a. 104
- b. 105
- c. 110
- d. 113
- e. 122 and 124
- f. 131

The following claim(s) are generic: Claim 44.

6. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Pursuant to PCT

Art Unit: 1713

Rule 13.2 and PCT Administrative Instructions, Annex B, Part 1(f)(I)(B)(2), the species are not art recognized equivalents.

7. A telephone call was made to Daniel J. Pereira on 5/17/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kelechi C. Egwim whose telephone number is (571) 272-1099. The examiner can normally be reached on M-T (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KCE



KELECH C. EKWUNIFE, PH.D.
PRIMARY EXAMINER